

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

EDGARDO DIAZ LABRADOR  
Debtor(s)

CASE NUMBER: 09-10850 SEK

CHAPTER 13

MOTION SUBMITTING POST CONFIRMATION MODIFIED PLAN  
PURSUANT TO 11 USC §1329 AND CERTIFICATE OF SERVICE

TO THE HONORABLE COURT:

1. Debtor is submitting a modified plan dated June 14, 2011, attached herein.
2. The modification is necessary in order for debtor to be able to prospectively cure post petition mortgage arrears incurred in mortgage loan with Scoatiabank Puerto Rico.
3. Debtor may comply with the proposed modified plan, and the proposed modified plan complies with all the requisites of 11 U.S.C. §1325.

**WHEREFORE**, debtor respectfully prays that the Modified Plan dated June 14, 2011 be approved.

**PARTIES IN INTEREST ARE NOTIFIED THAT THEY HAVE TWENTY ONE (21) DAYS TO OBJECT IN WRITING TO THE PROPOSED MODIFICATION OF THE PLAN. THE PLAN MAY BE CONFIRMED WITHOUT A HEARING IF NO OBJECTION IS TIMELY FILED FRBP 2002 (a)(5). P.R. LBR 3015-2 (f)(2)(B) and (g)**

Respectfully submitted in San Juan, Puerto Rico, this June 14, 2011.

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**CERTIFICATE OF SERVICE:** I hereby certify that on June 14, 2011 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to all registered parties, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: per attached master address list.

*/s/ Teresa M. Lube Capo*  
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**United States Bankruptcy Court  
District of Puerto Rico**

**IN RE:**

Case No. **09-10850 BKT**

**DIAZ LABRADOR, EDGARDO**

Chapter **13**

Debtor(s)

**AMENDED CHAPTER 13 PAYMENT PLAN**

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

<b>PLAN DATED:</b> _____ <input checked="" type="checkbox"/> <b>AMENDED PLAN DATED: 6/14/2011</b> <input type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION      Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	
<b>I. PAYMENT PLAN SCHEDULE</b>  \$ <u>165.00</u> x <u>24</u> = \$ <u>3,960.00</u> \$ <u>225.00</u> x <u>36</u> = \$ <u>8,100.00</u> \$ _____ x _____ = \$ _____ \$ _____ x _____ = \$ _____ \$ _____ x _____ = \$ _____  TOTAL: \$ <u>12,060.00</u>  Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from:  <input type="checkbox"/> Sale of Property identified as follows: _____ _____  <input type="checkbox"/> Other: _____ _____  Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____  PROPOSED BASE: \$ <u>12,060.00</u>	<b>II. DISBURSEMENT SCHEDULE</b>  A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____ B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows: 1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. <u>SCOTIABANK</u> Cr. <u>SCOTIABANK</u> Cr. _____ # <u>POST</u> # <u>PRE</u> # _____ \$ <u>2,585.22</u> \$ <u>4,337.97</u> \$ _____ 2. <input type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: _____ 5. <input type="checkbox"/> Other: _____ 6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: <u>C.R.I.M.</u> <u>SCOTIABANK</u> <u>SCOTIABANK</u> C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2) D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. Unsecured Claims otherwise receive PRO-RATA disbursements.  OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) <b>See Continuation Sheet</b>
<b>III. ATTORNEY'S FEES</b> (Treated as § 507 Priorities)  Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <u>2,500.00</u>	
Signed: <u>/s/ EDGARDO DIAZ LABRADOR</u> Debtor  _____ Joint Debtor	

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Attorney for Debtor **Lube & Soto Law Offices, P.S.C.**

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**AMENDED CHAPTER 13 PAYMENT PLAN**

Continuation Sheet - Page 1 of 1

- FAILURE TO TIMELY OBJECT TO THIS PLAN BY A CREDITOR CONSTITUTES A WAIVER OF THE EQUAL MONTHLY AMOUNT METHOD OF PAYMENT 11 USC 1325 (a)(5).

-ATTORNEY'S FEES WILL BE PAID AHEAD OF SECURED CREDITORS PER 11 USC 330.

--TAX REFUNDS, IF ANY ARE RECEIVED BY DEBTOR, WILL BE TENDERED TO THE TRUSTEE AS PERIODIC PAYMENTS TO FUND THE PLAN UNTIL PLAN COMPLETION IN ADDITION TO PAYMENTS ALREADY PROVIDED HEREIN. IF DEBTOR(S) NEED TO USE ANY PART OF THESE FUNDS, PROPER AUTHORIZATION WILL BE SOUGHT FROM THE COURT FOR SUCH PURPOSE.

-POST PETITION ARREARS INCLUDED HEREIN TO BE PAID THROUGH PLAN INCLUDE THE BALANCE DUE AFTER A DIRECT PAYMENT OF \$1,830.00, THAT IS \$2,585.22 TO BE PAID THROUGH THE PLAN. DEBTOR HAS RESUMED MAKING DIRECT MORTGAGE INSTALLMENTS COMMENCING JUNE 2011.

-ADDITIONAL FEES OF \$350.00 ARE BEING REQUESTED FOR POST CONFIRMATION WORK RELATED TO THIS MODIFICATION TO BE PAID THROUGH TRUSTEE PER GENERAL ORDER 03-01.

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